

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/5/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STAR FABRICS, INC.,

Plaintiff,

-against-

BURLINGTON STORES, INC. et al.,

Defendants.

1:20-cv-3340 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The above-captioned case has been assigned to my docket. Ordinarily, the Court would direct all parties to appear for an Initial Pretrial Conference, as described in the Court's Individual Rules of Practice in Civil Cases. However, in response to the spread of COVID-19 (coronavirus), the President of the United States has declared a national emergency, the Governor of New York has banned most gatherings, and the Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus. *In re Coronavirus/COVID-19 Pandemic* [M10-468, 20MISC00155]. Accordingly, IT IS HEREBY ORDERED that the parties shall file a joint letter and Proposed Case Management Plan in compliance with the Court's Individual Rules by May 28, 2020. The Court will determine whether to schedule a teleconference or simply issue a Scheduling Order based on those submissions.

IT IS FURTHER ORDERED that, in advance of filing the joint letter and Proposed Case Management Plan, the parties shall confer to discuss the possibility of settlement for at least one hour. The joint letter may not exceed 6 pages and must include the following:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;

2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue.

Statements shall include citations to relevant statutes. In cases invoking the Court's diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members, shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;

3. A statement of procedural posture, including
 - a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
 - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
 - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and

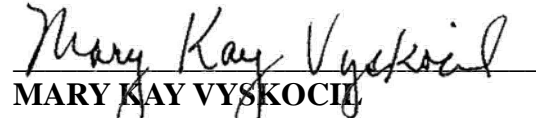
4. Any other information the parties believe may assist the Court in resolving the action.

Any request for an extension shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

Both a model Case Management Plan and the Court's Individual Rules are available at <https://nysd.uscourts.gov/hon-mary-kay-vyskocil>.

SO ORDERED.

**Date: May 5, 2020
New York, NY**


MARY KAY VYSKOCIL
United States District Judge